

Moschella, William

From: Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]
Sent: Monday, December 18, 2006 2:12 PM
To: Seidel, Rebecca; Moschella, William; Elston, Michael (ODAG)
Cc: Clinger, James H
Subject: RE: USAs -Sen Kyl / AG hearing in Jan

I don't think we need to do a paper on it; I spoke with Monica and understand that the AG has discussed the matter with Kyl and is prepared should it come up again.

From: Seidel, Rebecca
Sent: Monday, December 18, 2006 1:50 PM
To: Moschella, William; Elston, Michael (ODAG); Nowacki, John (USAEO)
Cc: Clinger, James H
Subject: USAs -Sen Kyl / AG hearing in Jan

I understand that Kyl is significantly disturbed over the Charlton issue. We should ensure that the AG is adequately prepared to deal with a question over the firings of the USAs, do we need a paper on it or is the AG prepared? Didn't want to task one through the regular channels. I am hoping that Kyl would not bring it up in an open hearing, but I am not sure yet if he could.

DAG000002740

3/13/2007

Moschella, William

From: Moschella, William
Sent: Thursday, December 21, 2006 7:17 PM
To: Brinkley, Winnie
Subject: RE: Telephone call

Spoke to him.

From: Brinkley, Winnie
Sent: Thursday, December 21, 2006 1:53 PM
To: Moschella, William
Subject: Telephone call

Will,

Just wanted to confirm that you spoke w/Steve Bell, Chief of Staff for Sen. Domenici. Initially, he was to speak w/the DAG; however, when he called back he said he could talk with you and I transferred him over.

Winnie Brinkley
Office of the Deputy Attorney General
U.S. Department of Justice
Tel:
Fax:

Tracking:

Recipient
Brinkley, Winnie

Read
Read: 12/22/2006 7:51 AM

Moschella, William

From: Moschella, William
Sent: Thursday, December 21, 2006 7:16 PM
To: 'Looney, Andrea B.'
Subject: RE: Steve Bell

As you may know, the US Attorney will be leaving that office soon and we will be making decisions about an interim US Attorney. His comments are noted.

From: Looney, Andrea B. [mailto:Andrea_B_Looney@who.eop.gov]
Sent: Thursday, December 21, 2006 2:55 PM
To: Moschella, William
Subject: Steve Bell

He mentioned he had chatted with you today about his request for a non-partisan team that specializes in corruption to be sent down to NM.

I just wanted to circle up with you and see if you had any thoughts about it.

Hope you are doing well.

Andrea Becker Looney
Special Assistant to the President
White House Office of Legislative Affairs

DAG000002742

3/13/2007

Moschella, William

From: Moschella, William
Sent: Sunday, January 14, 2007 11:58 AM
To: Sampson, Kyle
Cc: Elston, Michael (ODAG)
Subject: Re: USA articles from CA

As I was scrolling through email, I see that you have already raised it. I am happy to follow-up.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Moschella, William
To: Sampson, Kyle
CC: Elston, Michael (ODAG)
Sent: Sun Jan 14 11:45:13 2007
Subject: Fw: USA articles from CA

Do you want me to take up with the FBI the comments of their SAC?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: MonicaGoodlin
To: Sampson, Kyle; mike.elston@usdoj.gov <mike.elston@usdoj.gov>; Moschella, William; Roehrkas, Brian; Goodling, Monica; Scolinos, Tasia
Sent: Sat Jan 13 10:53:04 2007
Subject: USA articles from CA

Lam stays silent about losing job

Law enforcement defends her record

By Kelly Thornton and Onell R. Soto
UNION-TRIBUNE STAFF WRITERS

January 13, 2007

Amid news reports that she has been asked to step down, U.S. Attorney Carol Lam declined repeated interview requests yesterday and did not address the matter with her staff.

At a weekly managers meeting, Lam was stoic, conducting business as usual and discussing next week's caseload, according to people who attended. She made no mention of a resignation request by the Bush administration, nor did anyone ask about it.

However, she did discuss the matter with at least one law enforcement colleague. Dan Dzwilewski, head of the FBI office in San Diego, said he spoke to Lam several times yesterday and he feels the criticism and the way the situation was handled are unfair.

"I don't think it's the right way to treat anybody. What's the decision based on?" Dzwilewski said. "I don't share the view of whoever's making the decision back there in Washington that they'd like her to resign. I feel Carol has an excellent reputation and has done an excellent job given her limited resources."

Dzwilewski said he sympathized with Lam on issues of stretching budgets to meet priorities and felt that criticism that she wasn't giving proper attention to smuggling, drugs and gun crimes was off-base. "What do you expect her to do? Let corruption exist?" he said.

Lam's continued employment as U.S. attorney is crucial to the success of multiple ongoing investigations, the FBI chief said.

As for the reason for any pressure to resign, Dzwilewski said: "I can't speak for what's behind all that, what's the driving force behind this or the rationale. I guarantee politics is involved."

Dzwilewski declined to discuss Lam's demeanor during their conversations, her state of mind, when or if she will resign or her future plans.

"It will be a huge loss from my perspective," Dzwilewski said. "What she's going to do, my guess is she's still trying to figure that out herself."

Other members of the law enforcement community also defended Lam.

"She's been by far the most outstanding U.S. attorney we've ever had," City Attorney Michael Aguirre said. "By far, she's done more to clean up the corruption in this city than anyone else, and she has won a national reputation as one of the top prosecutors in the country."

Sources have told The San Diego Union-Tribune that Lam was asked to step down because she failed to make smuggling and gun cases a priority, choosing instead to focus on fewer cases that she considered more significant, such as public corruption and white-collar crime.

Some lawyers theorized yesterday that it wasn't just misplaced priorities that led to her impending ouster. The Randy "Duke" Cunningham case has spawned other corruption probes of Republicans in Washington, leading to conjecture that politics played a part in the decision to force her out.

However, Johnny Sutton, the U.S. attorney in San Antonio, Texas, said everybody in the position knows it's not a permanent job.

"We go when the president goes and sometimes before," he said.

Some lawyers said that shifting resources to cases she considered more important was not enough to bring about her firing. What mattered, they said, was her track record.

The Cunningham corruption case, which grew from an article in the Union-Tribune, was a high-profile success. But she has also stumbled. For instance, the corruption prosecution of political consultant Larry Remer was bargained down to a misdemeanor after a hung jury.

And although Lam's office achieved corruption convictions of then-San Diego City Councilmen Ralph Inzunza and Michael Zucchet, U.S. District Judge Jeffrey T. Miller acquitted Zucchet of most charges and granted a new trial on the remaining two counts.

Lam spent almost a year personally prosecuting a national hospital chain that she said used complex agreements to pay off local doctors in return for referrals. That case ended in a second mistrial. The chain eventually agreed to a civil settlement.

And U.S. District Judge Roger T. Benitez has raised concerns about whether the case against five former San Diego city pension officials should proceed.

Still, corruption and white-collar cases are notoriously hard to prosecute, and some lawyers applauded Lam for making the effort.

If Lam refuses to resign, she could be fired by the president, as former U.S. Attorney William Kennedy was in 1982. Justice Department officials asked for his resignation after he confirmed to The San Diego Union that the CIA interfered in favor of a suspect in a car-theft ring.

He would not resign, and President Reagan fired him. Kennedy is now a Superior Court judge.

Former U.S. Attorney Peter Nuñez wasn't surprised by Lam's silence.

"What else can she do at this point?" he asked. "She's not going to have a press conference. . . . I'm sure this is not one of the better days of her life. She's been publicly humiliated by her bosses."

Legal community stunned by Lam report

<<http://www.nctimes.com/art/spacer.gif>>

By: TERI FIGUEROA and WILLIAM FINN BENNETT - Staff Writers

North County Times

Saturday, January 13, 2007

Speculation that the Bush administration allegedly has asked San Diego-based U.S. Attorney Carol Lam, the region's chief federal prosecutor, to step down was met with disbelief and dropped jaws by legal community members with ties to federal court.

"I was in a state of shock," said Peter Nunez, who served as the U.S. attorney in charge of the San Diego offices from 1982 to 1988. "It's just like nothing I've ever seen before in 35-plus years. To be asked to resign and to be publicly humiliated by leaking this to the press is beyond any bounds of decency and behavior. It shocks me. It really is outrageous."

Nunez and others said they had not even heard rumblings that Lam was in the cross hairs for possible removal.

Lam's spokeswoman Friday declined to address the rumor.

"We have no comment," Debra Hartman, spokeswoman for the U.S. attorney's office, wrote in an e-mail to the North County Times.

A spokesman for the attorney general's office in Washington, D.C., declined to comment Friday.

The North County Times could not independently confirm a published report in The San Diego Union-Tribune that Lam had been asked to resign.

Lam may not be the only U.S. attorney politely being asked to pack her bags.

In a Thursday news release, U.S. Sen. Dianne Feinstein announced that she and two other senators were introducing legislation that would prevent the executive branch from trying to do an end run on the Senate's prerogative of confirming U.S. attorneys.

According to the newspaper report, which appeared Friday and cited unnamed sources, Lam was targeted for not making the prosecution of smuggling and gun cases a top priority.

Nunez said the question he has is, "Why?"

"What sin has she committed that justifies asking her to submit her resignation and publicly humiliating her in the process?" Nunez said. "If the reasons are anything close to the newspaper reports, that's crazy, especially when this administration is so weak on immigration."

Lam's office has made white-collar crime a priority, and has taken on a number of high-profile cases ---- among them the successful prosecution of then-Congressman Randy "Duke" Cunningham on charges of bribery and tax evasion ---- since her 2002 appointment by the Bush administration.

Other cases that came during her tenure included December's criminal convictions of the chiefs of Golden State Fence Co. for hiring illegal immigrants, and the potential death penalty case for the long-sought and recently nabbed Francisco Javier Arrellano-Felix, the alleged head of a Mexican drug cartel.

Lam is a former San Diego Superior Court judge who at one time presided over criminal trials at the courthouse in Vista. Nunez, who said he hired Lam as an assistant U.S. attorney about 20 years ago, called her a "bright, hardworking, conscientious, diligent

person."

Also surprised by the report was Charles La Bella, who served a stint as the interim U.S. attorney in 1998. La Bella said Friday that he found the resignation request, if it is true, to be "unusual."

"In my years with the department, I never saw anything like this," La Bella said.

It's difficult to say whether Lam's case priorities might have been a factor, he said.

"The only people who know are in Washington," La Bella said.

Escondido-based defense attorney Mark Chambers, who handles a lot of cases in federal court, said there was a "change of emphasis" when Lam took over.

"There appeared to be a drop-off in the prosecutions of what we call 'border busts,' people arrested for bringing drugs across the border," Chambers said. "There were major increases in large conspiracy cases that involved a great deal of resources to prosecute and investigate. She went after the big fish."

Chambers said he, too, was surprised by the rumor.

"I'm at a loss to determine the reason. It doesn't make sense to me. I think the U.S. attorney's responsibility is to prosecute high-profile, complicated cases, and I think she was doing that."

As a defense attorney, Chambers said, he often feels that the people who are prosecuted are at the "extreme low end of the pole, and some prosecutorial discretion should have been applied."

"Since she took over the office, I haven't felt that," Chambers said. "The people who were getting prosecuted were clearly high profile, high culpability."

La Bella and Nunez said that while politics can play a role in the appointment of each of the nearly eight dozen U.S. attorneys, once a person steps into the job, politics fall by the wayside.

U.S. attorneys serve by the appointment of, and at the pleasure of, the president, and are subject to confirmation by the U.S. Senate. It is common for an incoming president to appoint new people to the 94 positions.

Nunez, reached by his cell phone Friday, said it is "extremely rare" for an administration to ask one of its own appointees to step down.

"The only time this happens is when there has been an allegation of misconduct," Nunez said. "That doesn't mean the president doesn't have the authority to do this. If he wants to, he can fire them. There's nothing wrong with that ---- but if you are going to fire them, you better have a good reason."

Feinstein and the other senators used strong words in the news release describing their proposed legislation.

"It has come to our attention that the Bush Administration is pushing out U.S. Attorneys from across the country under the cloak of secrecy and then appointing indefinite replacements without Senate confirmation," Feinstein wrote.

And in a Tuesday letter to U.S. Attorney General Alberto Gonzales, Feinstein also hinted at her suspicions that something might be afoot. While she did not refer specifically to Lam, Feinstein wrote that the Department of Justice had asked "several" U.S. attorneys to step down by the end of the month, "without cause."

"We ... understand the intention is to have your office appoint interim replacements and potentially avoid the Senate confirmation process altogether," she wrote.

A little-known provision in the Patriot Act reauthorization last year changed existing law so that if a vacancy occurs, the attorney general can appoint a replacement for an indefinite period of time.

A spokesman for Feinstein said Friday that he would have no comment beyond the statements that the senator made in her letter.

Brian Roehrkas, a spokesman for the attorney general's office, said by phone Friday that Gonzales is certainly not trying to avoid the Senate confirmation process. There are 93 U.S. attorneys in the country, he said, and at any given time, "a number of them are coming and going."

"In every case, it is the goal of this administration to have a U.S. attorney that is confirmed by the Senate," he said.

For years, U.S. Rep. Darrell Issa has criticized Lam for not doing enough to prosecute smugglers of illegal immigrants. In an October 2005 letter to Attorney General Gonzales, Issa blasted Lam's office for failing to prosecute two cases of smugglers who were repeat offenders.

"This lax prosecutorial standard virtually guarantees that both of these individuals will be arrested on U.S. soil in the future for committing further serious crimes," Issa wrote.

Lam had complained that her office simply lacked the funding to pursue many smuggling cases.

On Friday, Issa spokesman Frederick Hill said that Issa would have no comment on the matter without confirmation that Lam had in fact been asked to step down.

The president of the National Patrol Council, which represents rank-and-file U.S. Border Patrol agents, said Friday that he wishes Lam well and said he hopes that whomever follows her in the job is willing to do whatever is necessary to prosecute immigration smuggling cases.

President T.J. Bonner said that because Lam was so picky about what she was willing to pursue "that it was nearly impossible to prosecute cases in San Diego."

Moschella, William

From: Sampson, Kyle
Sent: Sunday, January 14, 2007 1:37 PM
To: Elston, Michael (ODAG); Moschella, William; Goodling, Monica
Subject: Re: USA articles from CA

Monica was checking out
obvious reasons, someone

. Anyone have any good ideas? For
would be best.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Elston, Michael (ODAG)
To: Sampson, Kyle; Moschella, William; Goodling, Monica
Sent: Sun Jan 14 13:24:16 2007
Subject: Re: USA articles from CA

This is remarkable. I am going to ask Brian R. to address the source of the leaks with the reporter. The fact that she is trying to make her leak appear to be from DC is outrageous.

I do not expect to hear from her on Monday. Assuming the WH removes her on Tuesday, how do you want to deal with the vacancy -- for the immediate/short term, that is?

-----Original Message-----

From: Sampson, Kyle
To: Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Sent: Sun Jan 14 05:58:42 2007
Subject: Fw: USA articles from CA

FYI

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sampson, Kyle
To: 'lisa.monaco@ic.fbi.gov' <lisa.monaco@ic.fbi.gov>
Sent: Sun Jan 14 05:57:44 2007
Subject: Re: USA articles from CA

Thx, Lisa. John called me yesterday on this.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Monaco, Lisa O. <Lisa.Monaco@ic.fbi.gov>
To: Sampson, Kyle
Sent: Sat Jan 13 18:15:24 2007
Subject: Re: USA articles from CA

I've let the Director know. John is going to call the SAC and then give you a call

Lisa Monaco

Special Counsel to the Director
Federal Bureau of Investigation
(w) 202.324.3320
(c) 202.403.7124
(fax) 202.324.6856

----- Original Message -----

From: Sampson, Kyle <Kyle.Sampson@usdoj.gov>
To: Monaco, Lisa O.
Sent: Sat Jan 13 16:43:58 2007
Subject: FW: USA articles from CA

Lisa, please bring to the Director's immediate attention the comments of FBI SAC Dan Dzwilewski (see below). Thank you.

From:
Sent: Saturday, January 13, 2007 10:53 AM
To: Sampson, Kyle; mike.elston@usdoj.gov; Moschella, William; Roehrkasse, Brian; Goodling, Monica; Scolinos, Tasia
Subject: USA articles from CA

Lam stays silent about losing job

Law enforcement defends her record

By Kelly Thornton and Onell R. Soto
UNION-TRIBUNE STAFF WRITERS

January 13, 2007

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However, she did discuss the matter with at least one law enforcement colleague. Dan Dzwilewski, head of the FBI office in San Diego, said he spoke to Lam several times yesterday and he feels the criticism and the way the situation was handled are unfair.

"I don't think it's the right way to treat anybody. What's the decision based on?" Dzwilewski said. "I don't share the view of whoever's making the decision back there in Washington that they'd like her to resign. I feel Carol has an excellent reputation and has done an excellent job given her limited resources."

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Lam's continued employment as U.S. attorney is crucial to the success of multiple ongoing investigations, the FBI chief said.

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Other members of the law enforcement community also defended Lam.

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Sources have told The San Diego Union-Tribune that Lam was asked to step down because she failed to make smuggling and gun cases a priority, choosing instead to focus on fewer cases that she considered more significant, such as public corruption and white-collar crime.

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"We go when the president goes and sometimes before," he said.

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If Lam refuses to resign, she could be fired by the president, as former U.S. Attorney William Kennedy was in 1982. Justice Department officials asked for his resignation after he confirmed to The San Diego Union that the CIA interfered in favor of a suspect in a car-theft ring.

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Former U.S. Attorney Peter Nuñez wasn't surprised by Lam's silence.

"What else can she do at this point?" he asked. "She's not going to have a press conference. . . . I'm sure this is not one of the better days of her life. She's been publicly humiliated by her bosses."

Legal community stunned by Lam report

<<http://www.nctimes.com/art/spacer.gif>>

By: TERI FIGUEROA and WILLIAM FINN BENNETT - Staff Writers

North County Times

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Nunez and others said they had not even heard rumblings that Lam was in the cross hairs for possible removal.

Lam's spokeswoman Friday declined to address the rumor.

"We have no comment," Debra Hartman, spokeswoman for the U.S. attorney's office, wrote in an e-mail to the North County Times.

A spokesman for the attorney general's office in Washington, D.C., declined to comment Friday.

The North County Times could not independently confirm a published report in The San Diego Union-Tribune that Lam had been asked to resign.

Lam may not be the only U.S. attorney politely being asked to pack her bags.

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Also surprised by the report was Charles La Bella, who served a stint as the interim U.S. attorney in 1998. La Bella said Friday that he found the resignation request, if it is true, to be "unusual."

"In my years with the department, I never saw anything like this," La Bella said.

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President T.J. Bonner said that because Lam was so picky about what she was willing to pursue "that it was nearly impossible to prosecute cases in San Diego."

View whole
item

Author Margolis, David

Recipients Elston, Michael (ODAG); Moschella, William

Subject FW: SDCA

Date 1/18/2007 3:09:56 PM

and i bet that it made Carol look like Tom Dewey (i remember the bad ones).

From: Schools, Scott (USAEO) [mailto:Scott.Schools2@usdoj.gov]

Sent: Thursday, January 18, 2007 3:02 PM

To: Margolis, David

Subject: SDCA

David:

Sorry to take so long. That eval was done in February 2005.

Scott

DAG000002754

Moschella, William

From: Scott-Finan, Nancy
Sent: Friday, March 02, 2007 5:59 PM
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

Moschella, William

From: Moschella, William
Sent: Sunday, March 04, 2007 7:01 PM
To: Roehrkasse, Brian; Sampson, Kyle
Cc: Scolinos, Tasia
Subject: Re:

I think he may have also called the DAG. You should check with Paul.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Roehrkasse, Brian
To: Sampson, Kyle
CC: Scolinos, Tasia; Moschella, William
Sent: Sun Mar 04 18:59:03 2007

As discussed. Let me know.

Senator Domenici called the Attorney General in January and April of 2006. During those calls, Senator Domenici - who initially recommended David Iglesias for the position - expressed general concerns about the performance of US Attorney Iglesias and questioned Iglesias whether he was "up to the job." At no time in the calls did the Senator mention any specific public corruption case.

Moschella, William

From: Roehrkasse, Brian
Sent: Sunday, March 04, 2007 7:09 PM
To: Moschella, William; Sampson, Kyle
Cc: Scolinos, Tasia
Subject: Re:

Will, I'll call you in a moment.

-----Original Message-----

From: Moschella, William
To: Roehrkasse, Brian; Sampson, Kyle
CC: Scolinos, Tasia
Sent: Sun Mar 04 19:05:38 2007
Subject: Re:

Can we strike "public corruption?" I don't think he mentioned public corruption or any other type of case.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Roehrkasse, Brian
To: Sampson, Kyle
CC: Scolinos, Tasia; Moschella, William
Sent: Sun Mar 04 18:59:03 2007

As discussed. Let me know.

Senator Domenici called the Attorney General in January and April of 2006. During those calls, Senator Domenici - who initially recommended David Iglesias for the position - expressed general concerns about the performance of US Attorney Iglesias and questioned Iglesias whether he was "up to the job." At no time in the calls did the Senator mention any specific public corruption case.

Moschella, William

From: Oprison, Christopher G. [Christopher_G._Oprison@who.eop.gov]
Sent: Tuesday, March 06, 2007 6:58 AM
To: Moschella, William
Subject: FW: McClatchy - U.S. attorney worried 'gloves would come off' over criticism of ouster

This is news to us - when was this call made and why?

From: White House News Update [mailto:News.Update@WhiteHouse.Gov]
Sent: Tuesday, March 06, 2007 6:35 AM
To: Oprison, Christopher G.
Subject: McClatchy - U.S. attorney worried 'gloves would come off' over criticism of ouster

U.S. attorney worried 'gloves would come off' over criticism of ouster

By Marisa Taylor, McClatchy Newspapers

WASHINGTON _ A high-ranking Justice Department official told one of the U.S. attorneys fired by the Bush administration that if any of them continued to criticize the administration for their ousters, previously undisclosed details about the reasons they were fired might be released, two of the ousted prosecutors told McClatchy Newspapers.

While the U.S. attorney who got the call regarded the tone of the conversation as congenial, not intimidating, the prosecutor nonetheless passed the message on to five other fired U.S. attorneys. One of them interpreted the reported comments by Michael Elston, the chief of staff to Deputy Attorney General Paul McNulty, as a threat.

Justice Department officials denied that the conversation with the U.S. attorney ever took place, and Elston said he called several of the fired U.S. attorneys but never made any such comments.

"I had no conversation in which I discussed with any U.S. attorney what they should or should not say to the media regarding their removal," Elston said.

The two prosecutors who described the call demanded anonymity because, they said, they didn't want to antagonize the Justice Department further.

Justice Department spokesman Brian Roehrkasse criticized McClatchy for running the story. "It is unfortunate that the press would choose to run an allegation from an anonymous source from a conversation that never took place," he said.

Six of the eight ousted U.S. attorneys have been subpoenaed to testify Tuesday before the House of Representatives. Four will appear voluntarily before the Senate after a liberal public-interest group Monday asked for the Senate ethics committee to investigate Sen. Pete Domenici, R-N.M., for calling the U.S. attorney in New Mexico, who was later fired, during a corruption investigation of at least one Democrat.

According to one of the fired U.S. attorneys, Elston made the comments during a telephone conversation

after Democrats began questioning whether the administration was attempting to purge more independent-minded Republican appointees in order to replace them with more partisan candidates.

According to the former U.S. attorney, Elston made a "pointed comment that indicated that somehow anyone who talked might become more embarrassed if the story continued on."

"The inference was that they were holding themselves back from saying more about why people were fired _ that it was likely the department was going to step up the defense of their actions," the fired prosecutor said. "It could have been construed as friendly advice or a casual prediction. But I think it was expected that everyone would be told about the call."

When conveying the message to the others, the prosecutor tried to make it clear that the meaning of the conversation shouldn't be overdramatized.

But another former U.S. attorney, who wasn't a party to the Justice Department conversation, interpreted the comments as a threat, especially since it came when congressional Democrats were contacting the attorneys about possibly testifying before Congress.

"I took it to mean that negative, personal information would be released," the prosecutor said. "That if we made public comments or if we were to testify in Congress, that the gloves would come off and the Department of Justice would make us regret that we were talking."

The controversy over the firings of the eight U.S. attorneys has continued for weeks, but it was reignited last week when U.S. Attorney David Iglesias told McClatchy Newspapers that he believed that two members of Congress called him in mid-October to pressure him to complete the investigation before the November elections. Iglesias, who stepped down last week, added that he believed he was fired because he didn't speed up the case.

Domenici, who originally had recommended Iglesias for the post, apologized for making the call in a statement Sunday, but he said that he never pressured or threatened Iglesias about the case.

McClatchy Newspapers reported previously that Rep. Heather Wilson, R-N.M., also called Iglesias about the investigation. The Washington Post reported in its online edition Monday that Wilson acknowledged contacting Iglesias, but denied pressuring him.

Domenici also acknowledged in his statement that he asked the Justice Department to replace Iglesias, but he said that he made the request before he called about the corruption probe.

Justice Department officials confirmed that Domenici called Attorney General Alberto Gonzales in September 2005 and January and April of 2006.

During those calls, Domenici expressed general concerns about Iglesias' performance and questioned whether he was "up to the job," Roehrkasse said. During the first week of October 2006, Domenici made a similar and "very brief call" about Iglesias to McNulty, the deputy attorney general. At no time in these calls did the senator mention the public corruption case, Roehrkasse said.

The left-leaning Citizens for Responsibility and Ethics in Washington (CREW) asked the Senate Select Committee on Ethics to investigate whether Domenici violated ethics law. Lawmakers are prohibited from attempting to influence Justice Department investigations. Members of the ethics committee released a statement saying they couldn't comment on an ongoing matter.

Also on Monday, Michael Battle, the Justice Department official who oversees the U.S. attorney's offices, resigned. In January, Battle sent an e-mail to all U.S. attorneys announcing that he'd be leaving and sent a more detailed e-mail to his immediate staff in February with his departure date, a Justice Department official said.

On Dec. 7, Battle told most of the U.S. attorneys that they were to be fired. Former prosecutors said that Battle told many of them he didn't know why they were fired, but the orders came from "on high."

(Margaret Talev contributed to this story.)

You are currently subscribed to News Update (wires) as: Christopher_G._Oprison@who.eop.gov.
To unsubscribe send a blank email to leave-whitehouse-news-wires-1643344X@list.whitehouse.gov

McNulty, Paul J

From: McNulty, Paul J
Sent: Friday, February 16, 2007 5:44 PM
To: Balfe, Robert C. (USAARW)
Subject: RE: US Atty will not go to Senate: Cites 'partisan circus'

Thanks, Bob. Looks like things are really heating up down there. Lots of inaccuracies in this story, but what else is new. Take care.

From: Balfe, Robert C. (USAARW) [mailto:Robert.C.Balfe@usdoj.gov]
Sent: Friday, February 16, 2007 11:43 AM
To: McNulty, Paul J
Subject: US Atty will not go to Senate: Cites 'partisan circus'

Paul-

Here's the full article if you're interested...

Prosecutor Griffin now rejects post

Interim appointee blames Senate flak

By Democrat-Gazette Staff and Wire Reports

Friday, February 16, 2007

Tim Griffin, whose December appointment as U. S. attorney for the Eastern District of Arkansas sparked a national outcry about surreptitious changes made to a law affecting federal prosecutors, says he no longer wants the job permanently.

"I have made the decision not to let my name go forward to the Senate," Griffin said Thursday evening.

He was referring to the U. S. Department of Justice's stated intention, amid heavy criticism, to subject Griffin and others recently appointed to interim federal-prosecutor posts to the standard process of being nominated by the president, scrutinized by the U. S. Senate Judiciary Committee and then voted on by the Senate.

Griffin, 38, a former military prosecutor, was appointed Dec. 20 by U. S. Attorney General Alberto Gonzales under a little-noticed provision tacked onto the 2006 reauthorization of the USAPATRIOT Act that allows the attorney general to fill prosecutorial vacancies on an interim basis without Senate approval.

Griffin's predecessor, Bud Cummins, later acknowledged that he was asked to step aside from the job he got five years earlier after going through the Senate confirmation process, not because of performance issues but to make way for Griffin, who worked briefly in the White House under presidential adviser Karl Rove and was a political director for the Republican National Committee.

The new language concerning appointments, which even the Republican sponsor of the 2006 legislation now says he didn't notice at the time, replaced a provision that limited the interim appointments to 120 days.

It had the effect of allowing appointees to serve indefinitely for the rest of the current administration, which in this case ends in early 2009, without the usual scrutiny.

Griffin on Thursday blamed "the partisanship that has been exhibited by Sen. [Mark] Pryor [D-Ark.] and other senators on the Senate Judiciary Committee in the recent hearing" for his decision to bow out.

He referred to a hearing last week on Capitol Hill on legislation proposed by Sen. Dianne Feinstein, D-Calif., and supported by Pryor, as well as Sen. Blanche Lincoln, D-Ark., and others, to reinstate the original language governing such appointments.

The legislation was proposed after at least seven U. S. attorneys across the country were ousted to make room for Republican political allies. Deputy Attorney General Paul McNulty acknowledged in the hearing that in Arkansas, Cummins was forced out simply to make room for Griffin.

Griffin said Thursday that if he were to go through the confirmation process, "I don't think there is any way I could get fair treatment by Sen. Pryor or others on the judiciary committee."

He said he will continue to serve in the top law enforcement position in the state's eastern district as long as the White House keeps him there under the interim title or "gets someone else that I can help transition into this job.

" But to submit my name to the Senate would be like volunteering to stand in front of a firing squad in the middle of a three-ring circus."

Meanwhile, The New York Times reported Thursday that Cummins was ousted after Harriet E. Miers, the former White House Counsel, intervened on Griffin's behalf.

Miers' role was disclosed Wednesday by Justice Department officials during a private briefing for senators on the Judiciary Committee, the Times reported. The officials denied that the White House played a part in any of the other dismissals, the newspaper said.

Officials at the White House and Justice Department declined to comment on Miers' role in the matter, and Miers, whose resignation took effect Jan. 31, could not be reached for comment Thursday, according to the Times.

Pryor's spokesman, Michael Teague, told the Arkansas Democrat-Gazette on Thursday, after Griff in said he was withdrawing his name from consideration, that Gonzales himself had called Pryor earlier Thursday "and told the senator he was not going to submit Tim Griffin's name."

Teague said Gonzales "didn't give a reason," but said he would confer with Rep. John Boozman, the state's only Republican in the delegation, to find someone else to nominate.

During that conversation, "the senator told the attorney general, 'It's my preference that you send him through the confirmation hearing. '" Teague said.

He said Pryor made that statement despite his complaints about the way Griffin got the job "because

that's the process. That's the way the founding fathers set it up."

Griffin said that neither Gonzales nor anyone else told him or suggested to him that he bow out.

"I made up my mind two weeks ago not to allow my name to go forward," he said. "I have informed people both at the Department of Justice and the White House that I do not desire to have my name submitted..... I don't want to be part of that partisan circus."

Teague called Griffin's remarks about partisanship "baseless." He said Pryor is well-known and has even been criticized by fellow Democrats for being "fair and open" about President Bush's judicial nominees, of whom he has supported more than 100 and opposing fewer than a dozen.

Teague pointed out that Pryor even testified that "the way the White House has handled this has been a disservice to Tim Griffin."

Teague said Pryor has encouraged Griffin to go through the confirmation process, to clear up any questions about his background and his experience. The spokesman emphasized that Pryor's concerns were "not about a nomination" but "about the administration circumventing the process."

Griffin later responded, "It's unfortunate that Sen. Pryor is blaming the administration for using a law that he voted for to appoint me, apparently with the excuse that he didn't know what he was voting for when he voted. I think it's been a disservice to me the way my home-state senator has treated a fellow Arkansan, and an Arkansan who grew up in south Arkansas, 30 miles from his dad's hometown of Camden."

Griffin also said, "I spoke to Sen. Pryor when I was serving in Iraq [in 2006], and later spoke to him in his office in Washington, and on both occasions the senator directly questioned my credentials and indicated it was 'mighty presumptuous' of the White House and me that I could do the U. S. attorney job."

Teague insisted that Pryor's diligence in pursuing the matter is neither partisan nor personal.

McNulty, Paul J

From: Hertling, Richard
Sent: Friday, February 16, 2007 6:06 PM
To: McNulty, Paul J
Subject: RE: FYI

No. We met today and I assume you got a download from Will and Mike on the decision. We are going to draft a letter to Schumer and get that up to Preet by Wednesday next week and then make the docs available for review as soon as EOUSA completes its redaction of names of evaluators and sources.

From: McNulty, Paul J
Sent: Friday, February 16, 2007 6:02 PM
To: Hertling, Richard
Subject: RE: FYI

Richard, has Preet contacted you about the EARS reports yet? It would be good to get this issue behind us during the break next week. Thanks.

From: Hertling, Richard
Sent: Tuesday, February 13, 2007 3:26 PM
To: McNulty, Paul J
Subject: FYI

Warner spoke to Fielding around noon today.

McNulty, Paul J

From: McNulty, Paul J
Sent: Wednesday, February 28, 2007 1:30 PM
To: Roehrkas, Brian
Subject: RE: DRAFT Talking Points

Is it over the top to say that we are disappointed that David would make such an unfounded allegation (assuming he says what is being reported he will say)?

From: Roehrkas, Brian
Sent: Wednesday, February 28, 2007 12:51 PM
To: McNulty, Paul J
Subject: FW: DRAFT Talking Points

From: Elwood, Courtney
Sent: Wednesday, February 28, 2007 12:49 PM
To: Roehrkas, Brian
Subject: RE: DRAFT Talking Points

B- I have to dash to a meeting, but here are my comments.

1. To say USAs "never" are removed to retaliate goes beyond this Administration; remember that Nixon fired the A.G.; so can we cabin it temporally.
2. . Doesn't say "no one in the Department was aware of the specific details of the conversations between former U.S. Attorney Iglesias and members of the New Mexico Congressional delegation," indicate that we knew of the calls generally -- which supports Iglesia's claims. I'd delete that and perhaps say, if true, that there is no evidence that any calls from members were rec'd by OPA.
3. I'd think hard about including the last bullet.

Courtney Simmons Elwood
Deputy Chief of Staff and
Counselor to the Attorney General
U.S. Department of Justice
(w)
(c)
(fax)

From: Roehrkas, Brian
Sent: Wednesday, February 28, 2007 12:37 PM
To: Elwood, Courtney; Goodling, Monica; Sampson, Kyle; Moschella, William; Hertling, Richard
Subject: DRAFT Talking Points

Here are my draft talking points. Please respond with comments ASAP. Thanks.

DRAFT Talking Points

- United States Attorneys never are removed in an effort to retaliate against them or interfere with or inappropriately influence a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.
- David Iglesias served since 2001 as U.S. Attorney in New Mexico and had a lengthy record from which

to evaluate his performance. Our decision was based on performance-related concerns including issues associated with the overall management of the office among others during his 5 ½ years as U.S. Attorney in New Mexico.

- U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and no one in the Department was aware of the specific details of the conversations between former U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

- The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. However, we will not discuss specific conversations between members and the Department on these occasions.

Brian Roehrkas
Deputy Director of Public Affairs
U.S. Department of Justice

McNulty, Paul J

From: McNulty, Paul J
Sent: Wednesday, February 28, 2007 2:06 PM
To: 'Kelley, William K.'
Subject: RE: Updated Draft Talking Points and McClatchy story

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Wednesday, February 28, 2007 1:55 PM
To: McNulty, Paul J
Subject: RE: Updated Draft Talking Points and McClatchy story

Thanks.

From: McNulty, Paul J [mailto:Paul.J.McNulty@usdoj.gov]
Sent: Wednesday, February 28, 2007 1:54 PM
To: Kelley, William K.
Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Bill, here is the latest: our draft talking points and the most recent article. Strange thing is that Iglesias is quoted in an Albuquerque Tribune story today as saying that he expects indictments in the corruption case "very soon," an obvious violation of Department policy in an ongoing investigation. Paul

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 1:31 PM
To: McNulty, Paul J
Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Updated w/ the story.

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 1:26 PM
To: Goodling, Monica; Moschella, William; Hertling, Richard
Cc: Elwood, Courtney; Sampson, Kyle; Scolinos, Tasia
Subject: Updated Draft Talking Points and McClatchy story
Importance: High

I just spoke to Kyle on the plane and have incorporated his input as well as edits from Courtney and Tasia. The McClatchy story is below -- I think it comes from an interview rather than a press conference.

Please send me you final comments now so I can begin to use these talking points. Thanks.

DRAFT Talking Points

DAG000002767

3/12/2007

The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

This Administration has never removed a United States Attorneys in an effort to retaliate against them or interfere with or inappropriately influence a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.

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If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. [IF PUSHED] We will not discuss specific conversations between members and the Department on these occasions.

From: Taylor, Marisa [mailto:mtaylor@mcclatchydc.com]
Sent: Wednesday, February 28, 2007 1:10 PM
To: Roehrkas, Brian; Schwartz, Arthur
Subject: this is what I called about

I can still add a response from the department and update the story.

Marisa Taylor
 National Correspondent
 McClatchy Newspapers
 (202)-383-6164
 mtaylor@mcclatchydc.com

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Posted on Wed, Feb. 28, 2007

Political interference alleged in sacking of a U.S. attorney

By Marisa Taylor
McClatchy Newspapers

DAG000002768

WASHINGTON - The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.

David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of Congress because he said he feared retaliation.

Two months later, on Dec. 7, Iglesias became one of six U.S. attorneys ordered to step down for what administration officials have termed "performance-related issues." Two other U.S. attorneys also have been asked to resign.

Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment in the ongoing probe.

"I believe that because I didn't play ball, so to speak, I was asked to resign," said Iglesias, who officially stepped down Wednesday.

Iglesias acknowledged that he had no proof that the pressure from the Congress members prompted his forced resignation. But he said the contact in of itself violated one of the most important tenants of a U.S. attorney's office: Don't mix politics with prosecutions.

U.S. attorneys are appointed by the president in a political process that includes Senate confirmation. But as soon as they assume office they are expected to refrain from being politically active and to resist the urge to allow their political leanings to affect the outcome of a case.

Democrats have described the mid-term firings of the Republican-appointed U.S. attorneys as unprecedented and questioned whether the firings were politically motivated to root out moderates and install candidates loyal to the administration.

Justice department officials have defended the firings as legitimate administrative decisions meant to improve the workings of the Justice Department. Deputy Attorney General Paul McNulty told the Senate that most of the forced resignations were motivated by "performance-related" reasons.

Iglesias' allegation raises new questions about the nature of the firings and seems to undermine the theory that the administration only singled out moderate Republicans. Iglesias, a former military lawyer whose work helped inspired the Tom Cruise character in a "Few Good Men," describes himself as a social conservative who strove to loyally implement the administration's policies. Iglesias also was the first Hispanic to serve as U.S. attorney in his state in decades.

"I represent three huge voting blocks of the Republican party," he said. "I don't know why they would let someone go with those political credentials who has demonstratively done a good job."

Iglesias said the two members of Congress not only contacted him directly but also proceeded to try to wrest details about the case from him. Iglesias would not comment on the case to McClatchy, but the local media has reported on aspects of the ongoing investigation, including allegations that a former Democratic state senator took money to ensure an \$82 million courthouse contract would go to specific company.

Congressional questions about ongoing cases are supposed to go through a special office within the Justice Department to avoid the appearance of impropriety. Corruption cases in particular are treated as especially sensitive.

"I was appalled by the inappropriateness of those contacts," Iglesias said of the calls.

Iglesias said they called during the lead up to the Congressional elections that gave the Democrats control of the House and Senate. The Republican Party loss was blamed in part on several ongoing criminal corruption cases against Republican members of Congress.

Jude McCartin, a spokeswoman for New Mexico's Democratic Senator Jeff Bingaman, said she had not heard of the allegations and could not comment on them.

"It wasn't us - that's all I can say," she said.

Bingaman worked with Iglesias on crafting certain legislation, but McCartin said Bingaman would never attempt to push an ongoing case for political purposes.

"U.S. attorneys have a job to do and he does not want to interfere," she said. "He's a senator and his job is to craft legislation, not involve himself in ongoing cases."

Other members of the New Mexico delegation could not be immediately reached for comment.

Senator Pete Domenici was not facing re-election, but the state's two other Republicans, U.S. Representatives Heather Wilson and Steve Pearce were up for election. Both won, but Wilson beat her opponent by 875 votes out of nearly 211,000.

Local media reports had speculated that Iglesias' office might issue an indictment before the elections.

But Iglesias said he refused to tell the members of Congress when it would be issued, although he had decided the investigation needed more time.

"You never rush any case to trial, especially political corruption cases," he said. "There is always the charge that the real basis of the prosecutions is politics and you want to avoid that."

He said he now regrets that he did not report the calls to the Justice Department as required by policy.

"I thought it would blow over," he said. "But I was wrong."

In the last several weeks, other U.S. attorneys have spoken out against the administration to dispute that they were fired because of the way they handled their job.

The administration has only acknowledged that politics played a part in the firing of former U.S. Attorney Bud Cummins in Little Rock Arkansas. In his case, officials have said he was removed to make way for Tim Griffin, a former aide to Rove. Griffin has since said he will not seek Senate confirmation because of the controversy.

The firings have put Justice Department officials in the unusual position of having to defend the ouster of Republican appointees against Democratic criticism.

Similar to six other U.S. attorneys, Iglesias said when he was called and fired December 7, he was not given any reason other than that said the order "came from on high."

Iglesias and several other U.S. attorneys have been contacted by the House's Subcommittee on Commercial and Administrative Law about possibly testifying before Congress on the firings. Iglesias said would only testify if he were subpoenaed.

U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December, said he had no idea why he was asked to resign.

Like Iglesias, he received a positive performance evaluation. But unlike him, he said he never clashed with elected officials about an ongoing investigation. Bogden, a prosecutor with more than 16 years of experience, prosecuted county officials in a case connected to a San Diego indictment of several local elected officials. Carol Lam, the U.S. attorney in San Diego, was also asked to step down in December.

"As an office we thought we were functioning at a very high level," Bogden said. "You would think that if you're doing the job you should be doing you should remain in your place."

McNulty, Paul J

From: Kelley, William K. [William_K_Kelley@who.eop.gov]
Sent: Wednesday, February 28, 2007 2:47 PM
To: McNulty, Paul J
Subject: Re: Final Talking Points

Thx.

-----Original Message-----

From: McNulty, Paul J
To: Kelley, William K.
Sent: Wed Feb 28 14:43:16 2007
Subject: FW: Final Talking Points

FYI

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 2:22 PM
To: Scolinos, Tasia; Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; McNulty, Paul J; Elwood, Courtney; Nowacki, John (USAE0); Hertling, Richard

Subject: Final Talking Points

Attached are the final talking points on the allegations by U.S. Attorney David Iglesias.
Talking Points

* The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

* This Administration has never removed a United States Attorney in an effort to retaliate against them or inappropriately interfere with a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.

* David Iglesias was confirmed in 2001 to a four-year term as U.S. Attorney in New Mexico and was allowed to extend his service for an additional year and a half. During his 5 ½ years of service, we had a lengthy record from which to evaluate his performance as a manager and we made our decision not to further extend his service based on performance-related concerns.

* U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and we are unaware that anyone in Main Justice was notified of any conversations between U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

* The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. [IF PUSHED] We will not discuss specific conversations between members and the Department on these occasions.

Brian Roehrkas
Deputy Director of Public Affairs
U.S. Department of Justice

McNulty, Paul J

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Sent: Wednesday, February 28, 2007 1:55 PM
To: McNulty, Paul J
Subject: RE: Updated Draft Talking Points and McClatchy story

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Importance: High

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Sent: Wednesday, February 28, 2007 1:31 PM
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Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Updated w/ the story.

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 1:26 PM
To: Goodling, Monica; Moschella, William; Hertling, Richard
Cc: Elwood, Courtney; Sampson, Kyle; Scolinos, Tasia
Subject: Updated Draft Talking Points and McClatchy story
Importance: High

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Please send me you final comments now so I can begin to use these talking points. Thanks.

DRAFT Talking Points

The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

This Administration has never removed a United States Attorneys in an effort to retaliate against them or interfere with or inappropriately influence a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.

David Iglesias served since 2001 as U.S. Attorney in New Mexico and had a lengthy record from which to evaluate his performance. Our decision was based on performance-related concerns including issues associated with the overall management of the office among others during his 5 ½ years as U.S. Attorney in New Mexico.

U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and no one in the Department was aware of the details of the conversation between U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. [IF PUSHED] We will not discuss specific conversations between members and the Department on these occasions.

From: Taylor, Marisa [mailto:mtaylor@mcclatchydc.com]
Sent: Wednesday, February 28, 2007 1:10 PM
To: Roehrkasse, Brian; Schwartz, Arthur
Subject: this is what I called about

I can still add a response from the department and update the story.

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Posted on Wed, Feb. 28, 2007

Political interference alleged in sacking of a U.S. attorney

By Marisa Taylor
McClatchy Newspapers

WASHINGTON - The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.

David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of

Congress because he said he feared retaliation.

Two months later, on Dec. 7, Iglesias became one of six U.S. attorneys ordered to step down for what administration officials have termed "performance-related issues." Two other U.S. attorneys also have been asked to resign.

Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment in the ongoing probe.

"I believe that because I didn't play ball, so to speak, I was asked to resign," said Iglesias, who officially stepped down Wednesday.

Iglesias acknowledged that he had no proof that the pressure from the Congress members prompted his forced resignation. But he said the contact in of itself violated one of the most important tenants of a U.S. attorney's office: Don't mix politics with prosecutions.

U.S. attorneys are appointed by the president in a political process that includes Senate confirmation. But as soon as they assume office they are expected to refrain from being politically active and to resist the urge to allow their political leanings to affect the outcome of a case.

Democrats have described the mid-term firings of the Republican-appointed U.S. attorneys as unprecedented and questioned whether the firings were politically motivated to root out moderates and install candidates loyal to the administration.

Justice department officials have defended the firings as legitimate administrative decisions meant to improve the workings of the Justice Department. Deputy Attorney General Paul McNulty told the Senate that most of the forced resignations were motivated by "performance-related" reasons.

Iglesias' allegation raises new questions about the nature of the firings and seems to undermine the theory that the administration only singled out moderate Republicans. Iglesias, a former military lawyer whose work helped inspired the Tom Cruise character in a "Few Good Men," describes himself as a social conservative who strove to loyally implement the administration's policies. Iglesias also was the first Hispanic to serve as U.S. attorney in his state in decades.

"I represent three huge voting blocks of the Republican party," he said. "I don't know why they would let someone go with those political credentials who has demonstratively done a good job."

Iglesias said the two members of Congress not only contacted him directly but also proceeded to try to wrest details about the case from him. Iglesias would not comment on the case to McClatchy, but the local media has reported on aspects of the ongoing investigation, including allegations that a former Democratic state senator took money to ensure an \$82 million courthouse contract would go to specific company.

Congressional questions about ongoing cases are supposed to go through a special office within the Justice Department to avoid the appearance of impropriety. Corruption cases in particular are treated as especially sensitive.

"I was appalled by the inappropriateness of those contacts," Iglesias said of the calls.

Iglesias said they called during the lead up to the Congressional elections that gave the Democrats

control of the House and Senate. The Republican Party loss was blamed in part on several ongoing criminal corruption cases against Republican members of Congress.

Jude McCartin, a spokeswoman for New Mexico's Democratic Senator Jeff Bingaman, said she had not heard of the allegations and could not comment on them.

"It wasn't us - that's all I can say," she said.

Bingaman worked with Iglesias on crafting certain legislation, but McCartin said Bingaman would never attempt to push an ongoing case for political purposes.

"U.S. attorneys have a job to do and he does not want to interfere," she said. "He's a senator and his job is to craft legislation, not involve himself in ongoing cases."

Other members of the New Mexico delegation could not be immediately reached for comment.

Senator Pete Domenici was not facing re-election, but the state's two other Republicans, U.S. Representatives Heather Wilson and Steve Pearce were up for election. Both won, but Wilson beat her opponent by 875 votes out of nearly 211,000.

Local media reports had speculated that Iglesias' office might issue an indictment before the elections.

But Iglesias said he refused to tell the members of Congress when it would be issued, although he had decided the investigation needed more time.

"You never rush any case to trial, especially political corruption cases," he said. "There is always the charge that the real basis of the prosecutions is politics and you want to avoid that."

He said he now regrets that he did not report the calls to the Justice Department as required by policy.

"I thought it would blow over," he said. "But I was wrong."

In the last several weeks, other U.S. attorneys have spoken out against the administration to dispute that they were fired because of the way they handled their job.

The administration has only acknowledged that politics played a part in the firing of former U.S. Attorney Bud Cummins in Little Rock Arkansas. In his case, officials have said he was removed to make way for Tim Griffin, a former aide to Rove. Griffin has since said he will not seek Senate confirmation because of the controversy.

The firings have put Justice Department officials in the unusual position of having to defend the ouster of Republican-appointees against Democratic criticism.

Similar to six other U.S. attorneys, Iglesias said when he was called and fired December 7, he was not given any reason other than that said the order "came from on high."

Iglesias and several other U.S. attorneys have been contacted by the House's Subcommittee on Commercial and Administrative Law about possibly testifying before Congress on the firings. Iglesias said would only testify if he were subpoenaed.

U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December, said he had no idea why he was asked to resign.

Like Iglesias, he received a positive performance evaluation. But unlike him, he said he never clashed with elected officials about an ongoing investigation. Bogden, a prosecutor with more than 16 years of experience, prosecuted county officials in a case connected to a San Diego indictment of several local elected officials. Carol Lam, the U.S. attorney in San Diego, was also asked to step down in December.

"As an office we thought we were functioning at a very high level," Bogden said. "You would think that if you're doing the job you should be doing you should remain in your place."

McNulty, Paul J

Subject: Updated: USA Meeting
Start: Wed 3/7/2007 9:15 AM
End: Wed 3/7/2007 10:15 AM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Sampson, Kyle; Elwood, Courtney; McNulty, Paul J; Elston, Michael (ODAG); Hertling, Richard; Scolinos, Tasia; Roehrkasse, Brian; Moschella, William

AG's Conference Room

AO: Kyle Sampson DOJ: Courtney Elwood, DAG Paul McNulty, Mike Elston, Richard Hertling, Tasia Scolinos, Brian Roehrkasse, Will Moschella

TO <u>Paul</u>	TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
DATE <u>12-19-06</u> TIME <u>11:10</u>	CALLED TO SEE YOU <input checked="" type="checkbox"/>	RETURNED CALL <input checked="" type="checkbox"/>
	WILL CALL AGAIN <input checked="" type="checkbox"/>	URGENT <input checked="" type="checkbox"/>

PHONE CALLS
"WHILE OUT" RECORD

M. De DOMINICI

OF _____

PHONE 224-7090

AREA CODE _____ NUMBER _____ EXTENSION _____

MESSAGE RE: U-H POLARIS in AM

Edward ... to ...

...

TAKEN BY: Andy

TO <u>Paul</u>	TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
DATE <u>12/19/06</u> TIME <u>2:14 pm</u>	CALLED TO SEE YOU <input checked="" type="checkbox"/>	RETURNED CALL <input checked="" type="checkbox"/>
	WILL CALL AGAIN <input checked="" type="checkbox"/>	URGENT <input checked="" type="checkbox"/>

PHONE CALLS
"WHILE OUT" RECORD

M. _____

OF _____

PHC _____

MESSAGE _____

TAKEN BY: Winnie

TO <u>Paul</u>	TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
DATE <u>12/19/06</u> TIME <u>5:05</u>	CALLED TO SEE YOU <input checked="" type="checkbox"/>	RETURNED CALL <input checked="" type="checkbox"/>
	WILL CALL AGAIN <input checked="" type="checkbox"/>	URGENT <input checked="" type="checkbox"/>

PHONE CALLS
"WHILE OUT" RECORD

M. _____

OF _____

PHC _____

MESSAGE _____

TAKEN BY: _____

TO <u>Paul</u>	TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
DATE <u>12/20/06</u> TIME <u>9:54 AM</u>	CALLED TO SEE YOU <input checked="" type="checkbox"/>	RETURNED CALL <input checked="" type="checkbox"/>
	WILL CALL AGAIN <input checked="" type="checkbox"/>	URGENT <input checked="" type="checkbox"/>

PHONE CALLS
"WHILE OUT" RECORD

M. Mike Battle

OF E-OUA

PHONE 4-2121

MESSAGE USA Resignations

TAKEN BY: Winnie

DAG000002780